## UNITED STATES DISTRICT COURT

for the

Southern District of New York

MARIO CESAR VARGAS ORTIZ, individually and on behalf of others similarly situated,	) ) )
Plaintiff(s)	)
V.	Civil Action No. 19-cv-928
THREE STAR ON FIRST INC. (D/B/A	, )
3 STAR DINER), IOANNIS (A.K.A.	)
JOHN) KIRIAKAKIS, GEORGIA I.	)
KIRIAKAKIS and JIMMY KIRIAKAKIS,	)
Defendant(s)	)

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Jimmy Kiriakakis c/o 3 Star Diner 1462 1st Avenue New York, NY 10021

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney,

whose name and address are: Michael A. Faillace

MICHAEL FAILLACE & ASSOCIATES, P.C.

60 East 42nd Street, Suite 4510 New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:	01/31/2019		A Plant	/s/ D. Howie
		0		Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 19-cv-928

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

		ne of individual and title, if ar	ny)						
was rec	ceived by me on (date)		·						
	☐ I personally served the summons on the individual at (place)								
		; or							
	on (date); or; or; or; or; or; or; or; I left the summons at the individual's residence or usual place of abode with (name), a person of suitable age and discretion who resides there, on (date), and mailed a copy to the individual's last known address; or, and mailed a copy to the individual's last known address; or, who designated by law to accept service of process on behalf of (name of organization)								
	designated by law to	accept service of process							
			on (date)	; or					
	☐ I returned the summ	nons unexecuted because	e	; or					
	☐ Other (specify):								
	My fees are \$	for travel and S	\$ for services, for a total of \$	0.00 -					
	I declare under penalty of perjury that this information is true.								
Date:		_							
	Server's signature								
		_	Printed name and title						
		_	Server's address						

Additional information regarding attempted service, etc: